

MOUND COTTON WOLLAN & GREENGRASS  
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Attorneys for Defendant

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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ONEX CREDIT PARTNERS, LLC, a Delaware  
Company,

Civil Action No. 13-cv-5629  
(DMC/JBC)

Plaintiff,

v.

**ORDER**

ATRIUM 5 LTD., an Underwriter at Lloyd's,  
London individually, and in its capacity as  
representative Underwriter at Lloyd's, London  
for certain subscribing Underwriters at  
Lloyd's, London who subscribed to Policy#  
RC967307/127

Defendant.

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THIS MATTER having been opened to the Court by Mound Cotton Wollan & Greengrass, attorneys for Defendant ATRIUM 5 LTD, ("Atrium") for an Order dismissing Count II (breach of the covenant of good faith and fair dealing) in Plaintiff's First Amended Complaint, or in the alternative, granting partial summary judgment in favor of Atrium, and Atrium's motion to strike Plaintiff's prayer for attorneys' fees, and the Court being satisfied that Plaintiff was served with a copy of the moving papers, and the Court having read and considered all

papers submitted in support of and in opposition to this application, and heard oral argument,

IT IS on this \_\_\_\_\_ day of \_\_\_\_\_ 2014,

ORDERED as follows:

1. That ATRIUM 5 LTD.'s motion seeking dismissal with prejudice of Count II of Plaintiff's First Amended Complaint alleging breach of the implied covenant of good faith and fair dealing is granted.
2. That partial summary judgment is granted in favor of ATRIUM 5 LTD in regards to Count II of Plaintiff's First Amended Complaint.
3. That ATRIUM 5 LTD.'s motion to strike Plaintiff's prayer for attorney fees is granted; and
4. That a copy of this Order shall be served upon all counsel within \_\_\_\_\_ days of the dated hereof.

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**Honorable Dennis M. Cavanaugh, U.S.D.J.**